

:Ad-dendum - 58

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 13-4434 AND 41-2408, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2414; AMENDING LAWS 2023, CHAPTER 133, SECTION 117; RELATING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

AN ACT

SENATE BILL 1588

criminal justice data collections; system.

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

13-4434. Victim's right to privacy: exceptions
5 A. The victim has the right at any court proceeding not to testify
6 regarding any identifying or locating information unless the victim
7 consents or the court orders disclosure on finding that a compelling need
8 for the information exists. A court proceeding on the motion shall be in
9 camera.
10 B. A victim's identifying and locating information that is
11 obtained or reported by a law enforcement agency or prosecution
12 agency shall be redacted by the originating agency or prosecution
13 that is
14 victim, including discovery disclosed to the defendant, the defendant's
15 attorney or any of the attorney's staff.
16 C. Subsection B of this section does not apply to:
17 1. The victim's name except, if the victim is a minor, the victim's
18 name may be redacted from public records pertaining to the crime if the
19 court or the best interests of this state outweigh the public interest in
20 disclosure.
21 2. Any records that are transmitted between law enforcement and
22 prosecution agencies that are transmitted between law enforcement and
23 to the release of the information.
24 3. Any records if the victim or, if the victim is a minor, the
25 victim's representative as designated under section 13-4403 has consented
26 to the release of the information.
27 4. The general location at which the reported crime occurred.
28 5. The victim's address, if the victim's address appears in any
29 body-worn camera footage, photographs or other visual representations
30 and there is evidence that the defendant knows the victim's address
31 because of a relationship set forth in section 13-3601, subsection A.
32 6. Any data that is shared under the reporting requirements
33 prescribed in section 41-2414.

34 D. Notwithstanding subsections A and B of this section, a court may
35 order the victim's identifying and locating information to be disclosed in
36 a specific case if it is necessary to protect the defendant's
37 constitutional rights or when the information is not reasonably able to be
38 redacted because of undue burden or expense. Before the court discloses
39 the information, the victim must be notified and has the right to be heard
40 by the court. If the victim is not disclosed to the defendant's attorney, the
41 defendant's attorney may not provide the disclosed information to the defendant
42 than the attorney's staff and a designated investigator. The defendant's
43 attorney may not disclose the information to any person other
44 without specific authorization from the court.

Be it enacted by the Legislature of the State of Arizona:
Section 1. Section 13-4434, Arizona Revised Statutes, is amended to read:
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1. THE CRIMINAL JUSTICE AGENCIES IN THIS STATE APPROVED BY THE LAW, THE CRIMINAL JUSTICE AGENCIES IN THIS STATE APPROVED BY THE COMMISSION AS READY TO REPORT SHALL SUBMIT DATA THAT IS CURRENTLY COLLECTED AND READILY REPORTABLE ELECTRONICALLY INTO THE SYSTEM AS PRESCRIBED BY SECTION 41-2408 AND THIS SECTION.

2. LAW ENFORCEMENT AGENCIES SHALL REPORT: B. LAW ENFORCEMENT AGENCIES SHALL REPORT:

3. COLLECTED AND READILY REPORTABLE ELECTRONICALLY INTO THE SYSTEM AS PRESCRIBED BY SECTION 41-2408 AND THIS SECTION.

4. A UNIQUE IDENTIFIER.

5. FOR AN ALLEGED OFFENDER:

6. 1. FOR AN ALLEGED OFFENDER:

7. 2. FOR A VICTIM:

8. (a) THE INDIVIDUAL'S FULL NAME.

9. (b) THE INDIVIDUAL'S FULL NAME.

10. (c) THE INDIVIDUAL'S ADDRESS.

11. (d) THE UNIQUE AGENCY EVENT IDENTIFIER.

12. (e) THE INDIVIDUAL'S DATE OF BIRTH.

13. (f) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.

14. (g) THE INDIVIDUAL'S RACE.

15. (h) THE INDIVIDUAL'S SEX.

16. (a) THE INDIVIDUAL'S DATE OF BIRTH.

17. (b) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.

18. (c) THE INDIVIDUAL'S RACE.

19. (d) THE INDIVIDUAL'S SEX.

20. (e) THE UNIQUE AGENCY EVENT IDENTIFIER.

21. (f) FOR AN AGENCY OR SERVICE PROVIDER:

22. (a) THE UNIQUE AGENCY IDENTIFIER.

23. (b) THE NAME OF THE AGENCY.

24. (c) THE ADDRESS OF THE AGENCY.

25. (d) THE NAME OF THE FACILITY OR ORGANIZATION.

26. (e) THE ADDRESS AND USAGE FOR THE FACILITY OR ORGANIZATION.

27. (f) THE UNIQUE AGENCY IDENTIFIER ASSOCIATED WITH THE EVENT.

28. (a) THE DATE THE EVENT STARTED AND ENDED.

29. (b) THE STATUS OF THE EVENT.

30. (c) THE PHYSICAL LOCATION WHERE THE EVENT TOOK PLACE.

31. (d) THE UNIQUE AGENCY IDENTIFIER.

32. (e) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE EVENT.

33. (f) IF APPLICABLE, THE UNIQUE IDENTIFIER FOR THE PROVIDER.

34. (g) THE OFFICIAL NAME OF THE PROVIDER FACILITY ASSIGNED BY THE PROVIDER.

35. (h) THE EVIDENCE OR PROPERTY ITEM UNIQUE IDENTIFIER, SEQUENCE NUMBER AND DESCRIPTION, INCLUDING THE QUANTITY OF THE EVENT PROPERTY NUMBER AND DESCRIPTION OF THE EVENT PROPERTY.

36. (i) THE RECORD NUMBER OF THE EVIDENCE OR PROPERTY ITEM FOR CRIME LABORATORY ANALYSIS.

37. (j) THE DATE THE CRIME LABORATORY ANALYSIS OF THE EVIDENCE OR PROPERTY ITEM WAS REQUESTED, AND THE DATE THE CRIME LABORATORY ANALYSIS WAS COMPLETED.

1. FOR RESULTS:

2. (a) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE CHARGE OR ALLEGATION.

3. (b) THE SPECIFIC CHARGE OR ALLEGATION.

4. (c) THE BOOKING AGENCY REPORTING THE CHARGE OR ALLEGATION.

5. (d) THE DATE THE CHARGE OR ALLEGATION WAS REPORTED.

6. (e) THE STATUS OF THE CHARGE OR ALLEGATION.

7. (f) THE DATE THE CRIME LABORATORY ANALYSIS WAS CONDUCTED.

8. (g) THE RESULT OR FINDING OF THE CRIME LABORATORY ANALYSIS.

9. (h) THE RELEASE DATE FROM THE JAIL OR DETENTION CENTER.

10. 6. THE NUMBER OF SWORN PEACE OFFICERS EMPLOYED BY THE AGENCY ON JANUARY 31 OF EACH YEAR. EACH LAW ENFORCEMENT AGENT SHALL PROVIDE A COPY OF THE INFORMATION REQUIRED BY THIS PARAGRAPH TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD ESTABLISHED BY SECTION 41-1821.

11. 7. THE SPECIFIC CHARGE OR ALLEGATION.

12. (a) THE BOOKING AGENCY REPORTING THE CHARGE OR ALLEGATION.

13. (b) THE DATE THE CHARGE OR ALLEGATION WAS REPORTED.

14. (c) THE STATUS OF THE CHARGE OR ALLEGATION.

15. (d) THE DATE THE CRIME LABORATORY ANALYSIS WAS CONDUCTED.

16. (e) THE RELEASE DATE FROM THE JAIL OR DETENTION CENTER.

17. (f) THE DATE THE CRIME LABORATORY ANALYSIS WAS CONDUCTED.

18. (g) THE RESULT OR FINDING OF THE CRIME LABORATORY ANALYSIS.

19. (h) THE RELEASE DATE FROM THE JAIL OR DETENTION CENTER.

20. (c) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.

21. (d) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.

22. (e) THE INDIVIDUAL'S RACE.

23. (f) ANY ALIAS THE INDIVIDUAL MAY HAVE HAD.

24. (g) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.

25. (h) THE NAME OF THE TRIBAL NATION IN WHICH THE INDIVIDUAL IS A MEMBER, IF APPLICABLE.

26. (i) IF THE INDIVIDUAL IS CURRENTLY SERVING OR HAS SERVED IN THE ARMED FORCES.

27. (j) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER.

28. (k) THE INDIVIDUAL'S DISABILITIES, IF ANY.

29. (l) ANY LANGUAGES THE INDIVIDUAL SPEAKS.

30. 2. FOR A VICTIM:

31. (a) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.

32. (b) THE INDIVIDUAL'S RACE.

33. (c) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.

34. (d) THE INDIVIDUAL'S SEX.

35. (e) THE INDIVIDUAL'S DISABILITIES.

36. (f) THE COUNTRY OF WHICH THE INDIVIDUAL IS A CITIZEN.

37. (g) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.

38. (h) THE NAME OF THE TRIBAL NATION IN WHICH THE INDIVIDUAL IS A MEMBER, IF APPLICABLE.

39. (i) IF THE INDIVIDUAL IS CURRENTLY SERVING OR HAS SERVED IN THE ARMED FORCES.

40. (j) THE INDIVIDUAL'S DISABILITIES, IF ANY.

41. (k) ANY LANGUAGES THE INDIVIDUAL SPEAKS.

42. (l) THE INDIVIDUAL'S DISABILITIES, IF ANY.

43. (m) THE INDIVIDUAL'S DISABILITIES, IF ANY.

44. (n) THE INDIVIDUAL'S DISABILITIES, IF ANY.

1. FOR A DEFENDANT:

2. FOR AN AGENCY:

3. FOR AN AGENCY:

4. FOR EVENTS:

5. FOR RESULTS:

6. (a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE DEFENDANT.

7. (a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE DEFENDANT.

8. (b) THE UNIQUE AGENCY IDENTIFIER.

9. (c) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.

10. (d) THE CHARGES FILED AND ANY AMENDMENTS TO THE CHARGES AT PROCEEDING.

11. (a) THE UNIQUE AGENCY IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.

12. (d) THE CHARGES FILED AND ANY AMENDMENTS TO THE CHARGES AT PROCEEDING.

13. (a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE DEFENDANT.

14. (a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE DEFENDANT.

15. DEFENDANT.

16. (b) THE COMPENSATION AWARDED TO THE VICTIMS OF THE EVENT.

17. (c) THE DATES THE CHARGES WERE FILED BY THE PROSECUTION.

18. (c) THE DATES THE CHARGES WERE FILED BY THE PROSECUTION.

19. (b) COURTS SHALL REPORT:

20. (a) THE INDIVIDUAL'S FULL NAME.

21. (b) THE INDIVIDUAL'S ADDRESS.

22. (c) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.

23. (d) THE COURT PROCEEDING UNIQUE IDENTIFIER.

24. (e) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.

25. (f) THE INDIVIDUAL'S RACE.

26. (g) THE INDIVIDUAL'S SEX.

27. (h) ANY ALIAS THE INDIVIDUAL MAY HAVE HAD.

28. (i) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.

29. 2. FOR AN AGENCY:

30. (a) THE UNIQUE AGENCY IDENTIFIER.

31. (b) THE NAME OF THE AGENCY.

32. (c) THE ADDRESS OF THE AGENCY.

33. 3. FOR EVENTS:

34. (a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.

35. (b) THE UNIQUE AGENCY IDENTIFIER.

36. (c) THE JUDGE OR MAGISTRATE WHO PRESIDED OVER THE PROCEEDING.

37. (d) THE DATE THE COURT PROCEEDING BEGAN.

38. (e) THE COUNTY WHERE THE COURT PROCEEDINGS TOOK PLACE.

39. (f) THE TYPE OF CRIMINAL COURT CASE AND COURT PROCEEDING.

40. (g) THE TYPE AND DATE OF THE HEARING OR EVENT IN THE COURT.

41. (h) THE CHARGES FILED AND ANY AMENDMENTS TO THE CHARGES AT DISPOSITION.

42. (i) IF AN APPEAL WAS FILED.

4. FOR RESULTS:

1 (a) THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.
 2 (b) THE AGENCY UNIQUE IDENTIFIER.
 3 (c) THE PRETRIAL RELEASE DECISION BY THE COURT.
 4 (d) THE TYPE OF BOND AND BOND AMOUNT DETERMINED BY THE COURT.
 5 (e) THE GRAND JURY INDICTMENT AT THE COURT.
 6 (f) THE OUTCOME OF THE COURT PLEADING OR MOTION.
 7 (g) THE OUTCOME OF THE COURT HEARING OR EVENT.
 8 (h) THE WARRANT ISSUED BY THE COURT.
 9 (i) THE DATE THE WARRANT WAS ORDERED.
 10 (j) THE REASON FOR THE WARRANT.
 11 (k) THE DISPOSITION CATEGORY AND THE DETAIL OF THE COURT CASE.
 12 (l) THE DATE OF THE COURT DISPOSITION.
 13 (m) THE TYPE OF SENTENCING AND SENTENCING CONDITIONS IMPOSED.
 14 (n) THE STATE DEPARTMENT OF CORRECTIONS SHALL REPORT:
 15 E. THE TYPE OF SENTENCING AND SENTENCING CONDITIONS IMPOSED.
 16 1. FOR AN INMATE:
 17 (a) THE INMATE'S FULL NAME.
 18 (b) THE INMATE'S ADDRESS.
 19 (c) THE INMATE'S UNIQUE IDENTIFIER.
 20 (d) THE INMATE'S DATE OF BIRTH AND BIRTHPLACE.
 21 (e) IF DECEASED, THE DATE THE INMATE WAS DECLARED DECEASED.
 22 (f) THE INMATE'S RACE.
 23 (g) THE INMATE'S SEX.
 24 (h) ANY ALIAS THE INMATE MAY HAVE HAD.
 25 (i) THE COUNTRY WHERE THE INMATE LIVES OR LIVED, IF DECEASED.
 26 (j) THE NAME OF THE TRIBAL NATION IN WHICH THE INMATE IS A MEMBER,
 27 IF APPLICABLE.
 28 (k) IF THE INMATE HAS SERVED IN THE ARMED FORCES.
 29 (l) THE INMATE'S DISABILITIES, IF ANY.
 30 (m) ANY LANGUAGES THE INMATE SPEAKS.
 31 2. FOR AN AGENCY:
 32 (a) THE UNIQUE IDENTIFIER.
 33 (b) THE NAME OF THE AGENCY.
 34 (c) THE ADDRESS OF THE AGENCY.
 35 (d) FOR A PROVIDER OR FACILITY.
 36 (a) A UNIQUE PROVIDER OR FACILITY IDENTIFIER.
 37 (b) THE NAME OF THE FACILITY OR ORGANIZATION.
 38 (c) THE ADDRESS OF THE FACILITY OR ORGANIZATION.
 39 4. FOR EVENTS OR SERVICES:
 40 (a) THE SERVICES PROVIDED.
 41 (b) THE SERVICES IDENTIFIED IN THE PRISON OR COMMUNITY CORRECTIONS
 42 CASE PLAN.
 43 (c) THE UNIQUE AGENCY INMATE IDENTIFIER.
 44 (d) THE UNIQUE AGENCY IDENTIFIER.
 45 (e) THE UNIQUE PROVIDER OR FACILITY IDENTIFIER.

1 (f) THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.

2 (g) THE LEVEL OF SECURITY ASSIGNED TO THE INMATE.

3 (h) THE DISCHARGE REQUEST DATE TO THE BOARD OF EXECUTIVE CLEMENCY.

4 (i) THE RESULTS:

5 (a) THE UNIQUE AGENCY INMATE IDENTIFIER.

6 (b) THE UNIQUE AGENCY IDENTIFIER.

7 (c) THE UNIQUE PROVIDER OR FACILITY IDENTIFIER.

8 (d) THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.

9 (e) THE NAME AND TYPE OF ASSESSMENT OR ANALYSIS.

10 (f) THE DATE THE ASSESSMENT OR ANALYSIS WAS CONDUCTED.

11 (g) THE RESULTS OR FINDINGS OF THE ASSESSMENT OR ANALYSIS.

12 (h) THE COMMUNITY SUPERVISION VIOLATION TYPE AND OUTCOME.

13 (i) GANG MEMBERSHIP STATUS, IF APPLICABLE.

14 (j) THE CATEGORY AND DATE OF THE DISCIPLINARY VIOLATION.

15 (k) THE TYPE AND LEVEL OF TREATMENTS AND INTERVENTIONS INVOLVING THE INMATE.

16 (l) THE DATES OF THE TREATMENT OR INTERVENTION SESSIONS IN WHICH THE INMATE PARTICIPATED.

17 (m) THE DATE DETERMINED FOR RELEASE OR EARLY RELEASE.

18 (n) THE EMPLOYMENT STATUS OF THE INMATE PLACED ON COMMUNITY SUPERVISION.

19 (o) THE STATUS OF TREATMENTS ASSIGNED TO THE INMATE.

20 (p) THE DATE COMMUNITY SUPERVISION BEGAN AND ENDED.

21 (q) IF APPLICABLE, THE DATE COMMUNITY SUPERVISION WAS TRANSFERRED TO ANOTHER JURISDICTION.

22 (r) FOR A PROBATIONER:

23 (s) THE PROBATIONER'S FULL NAME.

24 (t) THE PROBATIONER'S ADDRESS.

25 (u) THE PROBATIONER'S DATE OF BIRTH AND BIRTHPLACE.

26 (v) THE PROBATIONER'S RACE.

27 (w) IF DECEASED, THE DATE THE PROBATIONER WAS DECLARED DECEASED.

28 (x) THE PROBATIONER'S ADDRESS.

29 (y) THE PROBATIONER'S SEX.

30 (z) THE PROBATIONER'S UNIQUE IDENTIFIER.

31 (aa) ANY ALIAS THE PROBATIONER MAY HAVE HAD.

32 (bb) THE COUNTRY WHERE THE PROBATIONER LIVES OR LIVED, IF DECEASED.

33 (cc) THE PROBATIONER'S DATE OF BIRTH AND BIRTHPLACE.

34 (dd) THE PROBATIONER'S RACE.

35 (ee) FOR AN AGENCY:

36 (ff) A UNIQUE AGENCY IDENTIFIER.

37 (gg) THE NAME OF THE AGENCY.

38 (hh) THE ADDRESS OF THE AGENCY.

39 (ii) THE ADDRESS OF THE AGENCY.

40 (jj) THE ADDRESS OF THE AGENCY.

41 (kk) THE PROBATIONER'S UNIQUE IDENTIFIER.

42 (ll) THE PROBATIONER'S UNIQUE IDENTIFIER.

43 (mm) THE UNIQUE AGENCY IDENTIFIER.

44 (nn) AN INDICATOR OF AN INTERSTATE COMPACT PROBATION CASE.

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AN ACT

SENATE BILL 1650

CHAPTER 40

House Engrossed Senate Bill
auditor general: duties: access

1. Information obtained pursuant to subsection B of this section
2. shall not be disclosed by the auditor general except to members of the
3. Department of Public Safety and solely for the purpose of employment of
4. personnel by the auditor general.

5. Sec. 3. REPEAL
6. Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
7. 2021, chapter 405, section 25, is repealed.

8. Sec. 4. SECTION 41-1279.03, Arizona Revised Statutes, as amended by Laws
9. 2021, chapter 405, section 25, is repealed.

10. Sec. 4. SECTION 41-1279.03, Arizona Revised Statutes, as amended by Laws
11. 2019, chapter 41-1279.03, Arizona Revised Statutes, as amended by
12. A. The auditor general shall:
13. 1. Prepare an audit plan for approval by the committee and report
14. to the committee the results of each audit and investigation and other
15. reviews conducted by the auditor general.
16. 2. Conduct or cause to be conducted at least biennially ANNUAL
17. financial and compliance audits of financial transactions and accounts
18. kept by or for all state agencies subject to the 1984 (P.L. 98-502) REQUIREMENTS. The audits shall be conducted in
19. 1984 (P.L. 98-502) REQUIREMENTS. The audits shall include tests of the accounting records and other
20. accounting procedures as may be considered necessary in the circumstances.
21. according to generally accepted government auditing standards and other
22. audit findings shall include the issuance of suitable reports as to
23. the 1984 (P.L. 98-502) REQUIREMENTS so that
24. the Federal single audit act of 1984 (P.L. 98-502) REQUIREMENTS as required by
25. the legislature, the federal government and others will be informed as to
26. the adequacy of financial statements of the THIS state in compliance with
27. generally accepted government auditing standards and to determine
28. whether this state has complied with laws and regulations that may have
29. material effect on the financial statements and on major federal
30. assistance programs.

31. 3. Perform procedural reviews for all state agencies at times
32. determined by the auditor general. These reviews may include evaluation
33. of administrative and accounting internal controls and reports on these
34. reviews.

35. 4. Perform special research requests, special audits and related
36. assignments as designated by the committee and conduct performance audits,
37. special audits, special research requests and investigations of any state
38. agency, whether created by the constitution or otherwise, as may be
39. requested by the committee.

40. 5. Annually on or before the fourth Monday of December, prepare a
41. written report to the governor and to the committee that contains a
42. summary of activities for the previous fiscal year.

43. 6. In the tenth fifth year and in each fifth year thereafter in
44. which a transportation excise tax is in effect in a county as provided in
45. section 42-6106 or 42-6107, conduct a performance audit that:

1 the findings and recommendations of the audit and whether the school
 2 district will implement the findings and recommendations, implement
 3 modifications to the findings and recommendations or refuse to implement
 4 findings and recommendations. The school district shall submit to the audit
 5 auditor general a written status report on the implementation of the audit
 6 findings and recommendations every six months for two years after AT THE
 7 REQUEST OF THE AUDITOR GENERAL, WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
 8 ISSUANCE OF AN AUDIT GENERAL, WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
 9 general shall review the school district's progress toward implementing
 10 the findings and recommendations of the audit every six months after
 11 receipt of the district's status report for two years AND PROVIDE STATUS
 12 REPORTS OF THE REVIEWS TO THE JOINT LEGISLATIVE AUDIT COMMITTEE DURING
 13 THIS TWO-YEAR PERIOD. The auditor general may review a school district's
 14 progress beyond this two-year period for recommendations that have not yet
 15 been implemented by the school district. The auditor general shall
 16 provide a status report of these reviews to the joint legislative audit
 17 committee. The school district shall participate in any hearing scheduled
 18 during this review period by the joint legislative audit committee or by
 19 any other legislative committee designated by the joint legislative audit
 20 committee. The auditor general shall provide a status report of the audit
 21 annually review per item compensation and reimbursement of
 22 expenses for employees of this state and members of a state board,
 23 commission, council or advisory committee by judgmentally selecting
 24 samples and evaluating the propriety of per item compensation and expense
 25 reimbursements.

26 B. The auditor general may:
 27 1. Subject to approval by the committee, adopt rules necessary to
 28 administer the duties of the office.
 29 2. Hire consultants to conduct the studies required by subsection
 30 A, paragraphs 6 and 7 of this section.
 31 C. If approved by the committee, the auditor general may charge a
 32 reasonable fee for the cost of performing audits or providing accounting
 33 services for auditing federal funds, special audits or special services
 34 requested by political subdivisions of this state. Monies collected
 35 pursuant to this subsection shall be deposited in the audit services
 36 revolving fund.

37 D. The department of transportation, the county treasurer, the
 38 county transportation excise tax recipients and the board of supervisors
 39 of a county that has approved a county transportation excise tax as
 40 provided in section 42-6106 or 42-6107 and the governing bodies of fund
 41 counties, cities and towns receiving Arizona highway user revenue fund
 42 monies shall cooperate with and provide necessary information to the
 43 auditor general or the auditor general's consultant.

1. The department of transportation or the county transportation
2 excise tax recipients shall remburse the auditor general as follows, and
3 the auditor general shall deposit the remburshed monies in the audit
4 services revolving fund:
5 conduct the studies required by subsection A, paragraph 6, subdvisions
6 (a) and (b) of this section, from monies collected pursuant to a county
7 transportation excise tax levied pursuant to section 42-6106 or 42-6107.
8 2. For the cost of conducting the studies or hiring a consultant to
9 pursuant to subsection A, paragraph 6, subdvisions or studies or hiring a
10 consultant, from the arizona highway user revenue fund.
11 this section, from the arizona highway user revenue fund.
12 sec. 5. Section 41-1279.04, arizona revised statutes, is amended to
13 read:
14 41-1279.04. Authority to examine records: Violation:
15 subsection
16 A. The auditor general or the auditor general's authorized
17 representatives, in the performance of official duties, shall have access
18 to, employees and the authority to examine any and all books, accounts,
19 reports, vouchers, correspondence files and other records, bank accounts,
20 criminal history records information as defined in section 41-1701 and in
21 accordance with section 41-1750, money monies and other property of any
22 state agency, board, commission, department, institution, program,
23 advisory council or committee or political subdivision of this state,
24 whether created by the constitution or otherwise, or such documents and
25 property of a contractor relating to a contract with this state pursuant
26 to the provisions of section 35-214. It is the duty of any officer or
27 employee of any such agency or political subdivision, having such records
28 under the officer's or employee's control, to permit shall allow access to
29 and examination of the records on the request of the auditor general or
30 the auditor general's authorized representative.
31 B. For the purpose of complying with section 41-1279.03, subsection
32 A, paragraphs 4 and 9, the auditor general or the auditor general's
33 authorized representative, in the performance of official duties, may
34 attend executive sessions of the governing body of any state agency or
35 school district in this state.
36 C. For the purpose of auditing the department of revenue, the
37 auditor general and the auditor general's authorized representatives have
38 access to state tax returns, except that a report of the auditor general
39 shall not violate the confidentiality of state tax laws.
40 D. For the purpose of complying with subsection A of this section,
41 officers of any state agency, board, commission, department,
42 institution, program, advisory council or committee or political
43 subdivision of this state shall provide reasonable space for audit
44 general staff and make records available, in the form and at the time
45 prescribed.

44 the following information:

43 (a) An annual expenditure limitation report that includes at least

42 1. For counties:

41 20 and 21, Constitution of Arizona. The system shall include:

40 constitutions, expenditures, limitations prescribed by article IX, sections

39 reporting system for all political subdivisions subject to the

38 A. The auditor general shall prescribe a uniform expenditure

37 investigation: Violation: Classification

36 assistance by auditor general: attorney general

35 and towns: Community college and districts, cities

34 counties, communities, districts, cities

33 41-1279.07. Uniform expenditure reporting system: reports by

32 read:

31 Sec. 7. Section 41-1279.07, Arizona Revised Statutes, is amended to

30 provisions of section 35-190, relating to lapsing of appropriations.

29 C. Monies in the audit services revolving fund are exempt from the

28 services.

27 for certified public accountants to conduct such audits or provide such

26 and counties, community college districts and school districts or to pay

25 statements of audits or accounting services requested by state budget units

24 conducting audits required under federal law, special audits of financial

23 B. The auditor general shall use the fund monies for the purpose of

22 4. ANY OTHER SOURCE AUTHORIZED BY LAW.

21 OF THE TRANSPORTATION EXCISE TAX AS PREScribed BY SECTION 41-1279.03.

20 3. COUNTIES WHERE THE AUDITOR GENERAL CONDUCTS A PERFORMANCE AUDIT

19 FEDERAL LAWS, RULES AND REGULATIONS OF FEDERAL FUNDS RECEIVED UNDER

18 financial districts for which the auditor general performs special audits,

17 school districts or audits of general performance under

16 2. State budget units and counties, community college districts and

15 federal law and federal rules and regulations.

14 1. State budget units for audits of federal funds required under

13 constitutes of any monies received by the auditor general from:

12 ESTABLISHED. The auditor general shall administer the fund. The fund

11 A. There is established in THE audit services revolving fund IS

10 from lapsing

9 41-1279.06. Audit services revolving fund: use: exemption

8 read:

7 Sec. 6. Section 41-1279.06, Arizona Revised Statutes, is amended to

6 OFFENDERS UNDER THIS SECTION.

5 F. THE ATTORNEY GENERAL SHALL SUPERVISE THE PROSECUTION OF ALL

4 THE AUDITOR GENERAL'S DUTIES IS guilty of a class 2 misdemeanor.

3 KNOWINGLY obstructs or misleads THE AUDITOR GENERAL IN THE EXECUTION OF

2 permits such allow access and examination pursuant to THIS SECTION OR

1 E. Any officer or person who knowingly fails or refuses to

45 accepted accounting principles.

44 (b) Financial statements prepared in accordance with generally
43 expenditure limitation for the reporting fiscal year.

42 (iv) Total amounts, by fund, of expenditures subject to the
41 alternative expenditure limitation.

40 year or, if applicable, the total exclusions from the voter approved
39 section 20, Constitution of Arizona, by fund, for the reporting fiscal
38 (iii) Total exclusions from local revenues, as defined by article
37 (ii) Total expenditures, by fund, for the reporting fiscal year.

36 approved alternative expenditure limitation.

35 year by the economic estimates commissiion and, if applicable, the voter
34 (i) The expenditure limitation established for the reporting fiscal
33 the following information:

32 (a) An annual expenditure limitation report that includes at least
31 3. For cities and towns:

30 expenditure limitation report.

29 (c) A reconciliation of the total expenditures reported within the
28 generaly accepted accounting principles.

27 (b) Annual financial statements prepared in accordance with
26 the expenditure limitation for the reporting fiscal year.

25 (iv) Total amounts, by fund, of budgeted expenditures subject to
24 year.

23 section 21, Constitution of Arizona, by fund, for the reporting fiscal
22 (iii) Total exclusions from local revenues, as defined by article
21 year.

19 (ii) Total budgeted expenditures, by fund, for the reporting fiscal
18 year by the economic estimates commissiion.

17 (i) The expenditure limitation established for the reporting fiscal
16 at least the following information:

15 (a) An annual budgeted expenditure limitation report that includes
14 2. For community college districts:

13 expenditure limitation report.

12 (c) A reconciliation of the total expenditures reported within the
11 generaly accepted accounting principles.

10 (b) Annual financial statements prepared in accordance with
9 the expenditure limitation for the reporting fiscal year.

8 (iv) Total amounts, by fund, of expenditures subject to the
7 year.

5 section 20, Constitution of Arizona, by fund, for the reporting fiscal
4 (iii) Total expenditures, by fund, for the reporting fiscal year.

3 (ii) Total expenditures, by fund, for the reporting fiscal year.
2 year by the economic estimates commissiion.

1 (i) The expenditure limitation established for the reporting fiscal

1 and include evaluation of administrative and accounting internal controls
 2 and reports on such reviews.
 3. Conduct or cause to be conducted annual FINANCIAL STATEMENT
 4 audits of financial transactions and accounts kept by or for community
 5 college districts. FOR A COMMUNITY COLLEGE DISTRICT THAT IS COMPLY WITH THE FEDERAL SINGLE AUDIT REQUIREMENTS, AUDITS SHALL INCLUDE
 6 COMPLIANCE AUDITS OF FINANCIAL TRANSACTIONS AND APPLICABLE ACCOUNTS KEPT
 7 BY OR FOR THE COMMUNITY COLLEGE DISTRICT. THE AUDITS SHALL BE CONDUCTED
 8 IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS AND,
 9 ACCORDINGLY, SHALL INCLUDE TESTS OF THE ACCOUNTING RECORDS AND OTHER
 10 AUDITING PROCEDURES AS MAY BE CONSIDERED NECESSARY UNDER THE
 11 CIRCUMSTANCES.

12 4. Approve contracts for financial auditing services
 13 except if specific statutory authority is otherwise provided. The auditor
 14 general shall ensure that such contracts are conducted in accordance
 15 with generally accepted government audit standards and shall
 16 determine if such audits meet minimum audit standards prescribed by the
 17 auditor general if such audits meet minimum audit standards and shall
 18 determine if such audits meet minimum audit standards prescribed by the
 19 auditor general. An audit shall not be accepted as meeting the
 20 requirements of this paragraph until it has been approved by the auditor
 21 general.
 22 5. Order and enforce a correct and uniform system of accounting by
 23 county, community college district and school district officers and
 24 deems necessary, a verified statement of their accounts.
 25 college districts or school districts, as often as the auditor general
 26 or neglect of any county, community college district or school district
 27 report to the committee and to the attorney general the refusal
 28 of neglect to conform to rules and regulations of the auditor general's
 29 office.
 30 8. Report to the committee and to the governor the result of the
 31 auditor general's examinations of county, community college district and
 32 school districts as often as required by public interest.
 33 B. The auditor general may adopt rules providing for disapproving
 34 contracts, and suspending or debarring any contractor providing financial
 35 and compliance auditing services to a school district based upon
 36 and suspending or debarring any contractor providing financial
 37 applicable standards similar to those adopted by this state under section
 38 C. Notwithstanding any other law, the disapproval of a contract or
 39 the suspension or debarment may be appealed to the superior court pursuant
 40 to title 12, chapter 7, article 6.
 41 41-2613.

42 Sec. 10. Repeal
 43 Section 41-1279.22, Arizona Revised Statutes, is repealed.

Sec. 11. Section 41-2954, Arizona Revised Statutes, is amended to read:

41-2954. Committees of reference: performance review reports: hearings: recommendations: subcommittee powers:

A. Each standing committee of both legislative houses shall constitute a committee in the committee's respective subject matter areas and the committee's respective

B. After receipt of the preliminary survey report, each committee of reference or each committee survey report, each shall hold at least one public hearing when the legislature is not in session or before the third Friday in January to receive testimony from the agency and from the officials of the agency involved. The agency shall prepare a presentation for the first public meeting that addresses the elements of the written statement required by subsection 6 of this section.

C. Each committee shall hold public hearings for the following purposes:

1. To determine the actual need of the agency to regulate or direct the particular activity.

2. To determine the extent to which the statutory requirements of the agency are necessary and are being met.

3. To receive testimony from the public as to the relationship of the agency with the public.

4. To receive testimony from the executive director or other head of the agency as to reasons for the continuation of the agency.

D. Each committee of reference shall consider but not be limited to the following factors in determining the need for continuation of the agency:

1. The objective and purpose key statutory objectives and purposes

2. The objective and purpose established by private enterprises in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.

3. The objective and purpose to which the agency has met its statutory objective effectiveness and purpose and the efficiency with which the agency has operated.

4. The objective and purpose to which the agency serves the entire state rather than specific interests of the agency.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public to which the agency has adopted by the agency are consistent with the legislative mandate.

41-2955. Definitions:

Sec. 11. Section 41-2954, Arizona Revised Statutes, is amended to

1. The extent to which the agency generally generates laws for the agency to adequately comply with the factors listed in this subselection.

2. The extent to which the laws of the agency are necessary in the agency to eliminate statutory responsibilities that are no longer necessary.

3. The extent to which the agency significantly affects the public health, safety or welfare.

4. The extent to which the agency has established safeguards against conflicts of interest.

5. The extent to which the agency is able to timely investigate and resolve complaints within its jurisdiction.

6. The extent to which the agency has been able to investigate and resolve timely investigated complaints that are within its jurisdiction.

7. The extent to which the attorney general or any other appropriate agency of state government has the authority to prosecute actions under the enabling legislation level of regulation that are both appropriate as compared to other states or best practices by the agency.

8. The extent to which agencies have addressed deficiencies in their enabling statutes that prevent them from fulfilling their statutory purposes or to adequately comply with the factors listed in this subselection.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in this subselection.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

11. The extent to which the laws of the agency are exercised by the agency compared to other states and is appropriate less or more stringent levels of regulation would be appropriate.

12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

13. The extent to which the agency potentially creates unanticipated consequences that might require additional review by the agency to determine if following factors in section 41-3501 shall be considered but not be limited to the following factors in determining the need for continuation or termination of each agency:

1. The extent to which the occupation meets the requirements of section 41-3502.

2. The extent to which failure to regulate a profession or occupation will result in:

(a) The loss of insurance.

(b) An impact to the ability to practice in other states or as required by federal law.

(c) An impact to the required licensure or registration with the federal government.

1. That the state agency be continued.

2. That the state agency be revised or consolidated.

3. That the state agency be terminated pursuant to this chapter.

4. If the state agency administer the third Friday in January.

5. The house of representatives, the governor, the auditor general and the speaker affected agency on or before the final sunset review recommendations shall include one or more of the following:

6. That the state agency be continued.

7. That the state agency be consolidated.

8. That the state agency be revised or consolidated.

9. That the state agency be terminated pursuant to this chapter.

10. If the state agency administer the third Friday in January.

11. Define in section 41-3501, that the legislature:

12. (a) Repeat the occupational or professional license.

13. (b) Convert the occupational or professional license to a less restrictive regulation as defined in section 41-3501.

14. (c) Institute the state agency to seek legislation or adopt rules to reflect the committee of reference's recommendation to:

15. (d) Impose less restrictive regulations than occupational or professional licenses, as defined in section 41-3501.

16. (e) Impose less restrictive regulations than occupational or professional licenses, as defined in section 41-3501.

17. (f) Impose less restrictive regulations than occupational or professional licenses, as defined in section 41-3501.

18. (g) Impose less restrictive regulations than occupational or professional licenses, as defined in section 41-3501.

19. (h) Change the restrictive practice of professional occupations of an occupational or professional license.

20. (i) Redefine the scope of practice in an occupational or professional license.

21. (j) Redefine the committee of reference's recommendation of reference shall also include a written statement prepared by the agency involved that contains an assessment of:

22. (k) The final sunset review report by each committee of reference that identifies the problem or the needs that the agency is intended to address.

23. (l) An identification of the objectives of any other agency and its anticipated and qualitative terms, to the extent practicable, in qualitative and quantitative or duplicate objectives, and an explanation of the manner in which the agency avoids duplication of such agreements.

24. (m) An identification of any other agency having similar accomplishments.

25. (n) The extent to which the agency has addressed deficiencies in its enabling statutes.

26. (o) The extent to which the agency has determined whether such agreements to consult with other agencies to address the consequences of eliminating the agency.

27. (p) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

28. (q) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

29. (r) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

30. (s) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

31. (t) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

32. (u) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

33. (v) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

34. (w) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

35. (x) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

36. (y) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

37. (z) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

38. (aa) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

39. (bb) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

40. (cc) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

41. (dd) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

42. (ee) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

43. (ff) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

44. (gg) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

45. (hh) The extent to which the agency has addressed the consequences of consolidating or eliminating the agency.

S.B. 1650

- 1 H. Each committee of reference shall oversee the preparation of any proposed legislation to implement the recommendations of that committee of reference and is responsible for the introduction of such legislation.
- 2 I. If an agency is continued, it is not necessary to reappoint any member of the governing board or committee of the agency. Such members are eligible to complete their original terms without reappointment or reconfimation.
- 3 II. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 4 III. If an agency is continued, it is not necessary to reappoint any member of the governing board or committee of the agency. Such members are eligible to complete their original terms without reappointment or reconfimation.
- 5 IV. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 6 V. If an agency is continued, it is not necessary to reappoint any member of the governing board or committee of the agency. Such members are eligible to complete their original terms without reappointment or reconfimation.
- 7 VI. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 8 VII. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 9 VIII. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 10 IX. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 11 X. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.
- 12 XI. Each committee of reference shall have the power of legislative reference and is responsible for the introduction of such legislation.

APPROVED BY THE GOVERNOR APRIL 12, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2023.

:Ad-dendum - 60

:Ad-dendum - 60

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 13-2310, ARIZONA REVISED STATUTES; RELATING TO FRAUDULENT SCHEMES AND ARTIFICES.

AN ACT

HOUSE BILL 2297

2023

First Regular Session
Fifty-sixth Legislature
House of Representatives
State of Arizona

Fraudulent schemes; artifices; jurisdiction
House Engrossed

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-2310, Arizona Revised Statutes, is amended to read:

13-2310. Fraudulent schemes and artifices: Classification:
 5 Jurisdiction: definition

A. Any person who, pursuant to a scheme or artifice to defraud, knowingly obtains any benefit by means of false or fraudulent pretenses, representations, promises or material omissions is guilty of a class 2 felony.

B. Reliance on the part of any person shall not be a necessary element of the offense described in subsection A of this section.

C. A person who is convicted of a violation of this section that involved a benefit with a value of one hundred thousand dollars \$100,000 or more or the manufacture, sale, or marketing of options is not eligible for suspension of sentence, probation or release from confinement on any basis except probation, pardon or release from confinement for suspension of sentence, probation, parole or marketting of options is not eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

D. This state shall apply the aggregation provision prescribed by section 13-1801, subsection B to violations of this section in determining the applicable punishment.

E. In a prosecution for a violation of this section, the state is not required to establish that all of the acts that constitute a violation of this section occur within a single city, town, county or local jurisdiction of this state or within a single city, town, county or local jurisdiction of this state. It is not a defense that not all of the acts that constitute a violation of this section occur in this state or within this state.

F. For the purposes of this section, "scheme or artifice to defraud" includes a scheme or artifice to deprive a person of the intangible right of honest services.

:Ad-dendum - 61

:R686US -TORCH - 768 / 800

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:R686US -TORCH - 768 / 800

:Ad-dendum - 61

AN ACT
AMENDING SECTION 41-121, ARIZONA REVISED STATUTES, RELATING TO THE
SECRETARY OF STATE.
(TEXT OF BILL BEGINS ON NEXT PAGE)

HOUSE BILL 2308

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed House Bill
Secretary of state; election; recusal

13. Meet at least annually with personnel from the federal voting assistance office of the United States department of defense and with county recorders and other county election officials in this state to coordinate the delivery and return of registration materials to and from absent voters to ballotots and other election materials to and from overseas citizens.

14. Except for the constitutional duty to certify the statewide canvas, not perform personally any aspect of election operations which is conducted by election staff in the office of the secretary of state for an election in which the secretary of state is a candidate.

15. B. The secretary of state may refuse to perform a service or refuse a filing based on a reasonable belief that the service or filing is being requested for an unlawful, illegitimate, false or fraudulent purpose or is being requested or submitted in bad faith or for the purpose of harassing or defrauding a person or entity. This subsection does not apply to election filings.

:Ad-dendum - 62

:Ad-dendum - 62

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 1-273; RELATING TO LAW ENFORCEMENT AUTHORITY.

AN ACT

HOUSE BILL 2309

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

(now: Law enforcement; sovereign authority;
sovereign authority; law enforcement

Senate Engrossed House Bill

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 1-273, to read:

1-273. Sovereign authority; right

A. PURSUANT TO THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE III, SECTION 3, CONSTITUTION OF ARIZONA, IT IS THE PUBLIC POLICY OF THIS STATE TO PROTECT THIS STATE'S SOVEREIGN AUTHORITY AGAINST FEDERAL LAWS, TREATIES, ORDERS, RULES, REGULATIONS, ACTIONS AND PROGRAMS THAT ARE INCONSISTENT WITH THE AUTHORITY OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

B. PURSUANT TO SECTION 41-193, ON DEMAND BY THE LEGISLATURE, EITHER HOUSE OF THE LEGISLATURE OR ANY MEMBER OF THE LEGISLATURE, EITHER GENERAL SHALL RENDER A WRITTEN OPINION TO DETERMINE THE CONSTITUTIONALITY OF ANY FEDERAL LAW, TREATY, ORDER, RULE, REGULATION, ACTION OR PROGRAM THAT IS ALLEGED TO BE INCONSISTENT WITH OR CONTRARY TO THE AUTHORITY OF GENERAL SHALL RENDER A WRITTEN OPINION TO DETERMINE THE CONSTITUTIONALITY OF ANY FEDERAL LAW, TREATY, ORDER, RULE, REGULATION, ACTION OR PROGRAM THAT IS ALLEGED TO BE INCONSISTENT WITH OR CONTRARY TO THE AUTHORITY OF STATE OR LOCAL LAW ENFORCEMENT AGENCIES.

C. THE LAWS OF THIS STATE SHALL BE INTERPRETED AND CONSTRUED TO PROTECT THIS STATE'S SOVEREIGN AUTHORITY AGAINST FEDERAL ACTIONS, INCUDING IN ANY PROCEESSING IN WHICH THIS STATE OR ITS POLITICAL SUBDIVISIONS ARE EXERCISING THEIR CONSTITUTIONAL AUTHORITY UNDER ARTICLE III, SECTION 3, CONSTITUTION OF ARIZONA.

D. TO THE EXTENT THAT ANY LAW, TREATY, EXECUTIVE ORDER, RULE OR REGULATION OF THE UNITED STATES GOVERNMENT HAS BEEN FOUND BY A COURT OF COMPETENT JURISDICTION TO VIOLATE ARTICLE II, SECTION 3, CONSTITUTION OF ARIZONA, OR THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THE LAW, TREATY, EXECUTIVE ORDER, RULE OR REGULATION IS NULL, VOID AND UNENFORCEABLE IN THIS STATE.

:Ad-dendum - 63

:Ad-dendum - 63

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 8-514.07, 8-821, 8-823, 8-824 AND 8-842, ARIZONA REVISED
STATUTES; RELATING TO CHILD WELFARE.

AN ACT

HOUSE BILL 2313

CHAPTER 87

Child placement; relative search; notice.

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

1. If a child is taken into temporary custody, as part of the ongoing search, the department shall use due diligence in an initial search to identify and notify adult relatives of the child and persons with a significant relationship with the child within thirty days after the child is taken into temporary custody.

2. An interview with the child.

3. Interviews with identified adult relatives.

4. Interviews with other persons who are likely to have information regarding the location of adult relatives of the child.

5. A comprehensive search of available records that are likely to help identify and locate a person being sought, including to

6. Employment records.

7. Vehicle registration records.

8. Previous residence addresses.

9. Previous employment records.

10. The search to identify adult relatives of the child or persons with a significant relationship with the child within thirty days after the child is taken into temporary custody.

11. The search to identify adult relatives of the child or persons with a significant relationship with the child within thirty days after the child is taken into temporary custody.

12. An interview with the child's parent.

13. A significant relationship with the child must include:

14. An interview with the child.

15. Interviews with identified adult relatives.

16. Interviews with other persons who are likely to have information regarding the location of adult relatives of the child.

17. A comprehensive search of available records that are likely to help identify and locate a person being sought, including to

18. Significant relationship with the child.

19. A comprehensive search of available records that are likely to help identify and locate a person being sought, including to

20. Help identify and locate a person being sought, including to

21. Employment records.

22. Vehicle registration records.

23. Child support enforcement records.

24. Utility accounts.

25. Previous residence addresses.

26. Law enforcement records.

27. State department of corrections records.

28. Thorough inquiries by the court of the parties during case hearings.

29. Hearings.

30. Any other means the department deems likely to identify adult relatives of the child or persons with a significant relationship with the child.

31. Help identify adult relatives of the child or persons with a significant relationship with the child.

32. Child.

33. C. Within thirty days after the child is taken into temporary custody and at each subsequent hearing, the department shall file with the court information regarding attempts made pursuant to subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

34. D. The department shall provide notice to adult relatives of the child and persons with a significant relationship with the child through the search of available records that are likely to help identify adult relatives of the child and persons with a significant relationship with the child within thirty days after the child is taken into temporary custody.

35. The department shall file with the court information regarding attempts made pursuant to subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

36. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

37. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

38. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

39. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

40. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

41. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

42. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

43. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

44. Subsection A of this section or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. This documentation shall include a detailed narrative explaining the department's efforts to consider each potential placement and the specific outcome.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

8-514.07. Kinship foster care: relative identification and notification: due diligence search

2. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

3. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

4. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

5. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

6. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

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30. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

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39. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

40. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

41. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

42. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

43. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

44. Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:

1 (a) THE NAMES OF ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO WERE CONSIDERED FOR AN INTERSTATE PLACEMENT.

2 (b) ANY PENDING PLACEMENT OF THE CHILD THROUGH AN INTERSTATE COMPACT AGREEMENT.

3 (c) ALL POTENTIAL OUT-OF-STATE PLACEMENTS OUTSIDE OF AN INTERSTATE COMPACT AGREEMENT AND THE REASONS SUCH PLACEMENTS HAVE NOT BEEN INITIATED.

4 (d) IF AN OUT-OF-STATE PLACEMENT OPTION EXISTS AND THE DEPARTMENT HAS FAILED TO FILE A REQUEST WITH THE RECEIVING STATE PURSUANT TO THE REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT 8-548, THE COURT SHALL ENTER A FINDING THAT THE DEPARTMENT HAS NOT MADE A DUE DILIGENCE SEARCH AND SHALL ORDER THE DEPARTMENT TO FILE A REQUEST WITH THE REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT PURSUANT TO SECTION 8-821. Taking into temporary custody: medical examination:

5 read: 2. Section 8-821, Arizona Revised Statutes, is amended to Sec. 2. Section 8-821, Arizona Revised Statutes, is amended to

6 (e) ALL POTENTIAL OUT-OF-STATE PLACEMENTS OUTSIDE OF AN INTERSTATE COMPACT AGREEMENT AND THE REASONS SUCH PLACEMENTS HAVE NOT BEEN INITIATED.

7 (f) IF AN OUT-OF-STATE PLACEMENT OPTION EXISTS AND THE DEPARTMENT HAS FAILED TO FILE A REQUEST WITH THE RECEIVING STATE PURSUANT TO THE REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT 8-548, THE COURT SHALL ENTER A FINDING THAT THE DEPARTMENT HAS NOT MADE A DUE DILIGENCE SEARCH AND SHALL ORDER THE DEPARTMENT TO FILE A REQUEST WITH THE REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT PURSUANT TO SECTION 8-821. Taking into temporary custody: medical examination:

8 1. An order of the superior court.

9 2. Subsection E of this section.

10 3. The consent of the child's parent or guardian.

11 4. The superior court, on a dependency petition filed by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect and it is contrary to the child's welfare to remain in the home.

12 5. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

13 6. D. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

14 7. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

15 8. D. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

16 9. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

17 10. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

18 11. An order of the superior court.

19 12. Subsection E of this section.

20 one of the following:

21 13. The superior court, on a dependency petition filed by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

22 14. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

23 15. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

24 16. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

25 17. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

26 18. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

27 19. A child shall be taken into temporary custody only pursuant to one of the following:

28 20. A. A child shall be taken into temporary custody only pursuant to

29 21. An order of the superior court.

30 22. Subsection E of this section.

31 23. The superior court, on a dependency petition filed by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

32 24. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

33 25. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

34 26. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

35 27. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

36 28. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

37 29. D. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

38 30. The court, the child's parent or guardian, a peace officer, a child welfare investigator or a child safety worker, may issue an order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

39 31. D. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if finding that probable cause exists to believe that temporary custody is necessary to protect the child from suffering abuse or neglect.

40 32. E. A child may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

41 33. F. In determining if a child should be taken into temporary custody because of exigent circumstances exist.

42 34. E. In determining if a child welfare investigator or a child safety worker if a peace officer, a child welfare investigator or a child safety worker may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

43 35. F. In determining if a child welfare investigator or a child safety worker may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

44 36. F. In determining if a child welfare investigator or a child safety worker may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

45 37. F. In determining if a child welfare investigator or a child safety worker may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

1 the investigation. A written response, including any documentation, shall
 2 be included in the case file.

3 10. A statement that the hearing may result in further proceedings
 4 to terminate parental rights.

5 11. A statement that the parent or guardian must immediately provide
 6 to the department the names, the type of relationship and all available
 7 information necessary to locate persons who are related to the child or
 8 who have a significant relationship with the child. If there is not
 9 sufficient information available to locate a relative or person with a
 10 significant relationship of this fact. If the parent or guardian obtains information
 11 regarding the existence or location of a relative or person with a
 12 significant relationship to the child, the parent shall inform the
 13 department of this fact. If the parent or guardian obtains information
 14 regarding the relationship with the child, the parent or guardian shall
 15 immediately provide that information to the department.

16 provide to the court at the preliminary protective hearing the names, the
 17 type of relationship and all available information necessary to locate
 18 persons who are related to the child. The parent shall provide the
 19 relationship with the child.

20 C. The child safety worker shall provide the parent or guardian
 21 with the notice even if the parent or guardian refuses to sign the
 22 acknowledging.

23 D. Immediately before the time of the preliminary protective
 24 hearing, the persons described in section 8-824, subsection B shall meet
 25 and attempt to reach an agreement about placement of the child, services
 26 to be provided to the child, parent or guardian and visitation of the
 27 child. The parties shall meet with their counsel, if any, before this
 28 meeting. Consideration shall be given to the availability of reasonable
 29 services to the parent or guardian and the child's health and safety shall
 30 be a paramount concern. The persons described in section 8-824,
 31 subsection C may attend the meeting to reach an agreement.

32 E. If a dependency petition is filed by the department, the child
 33 safety worker is responsible for delivering the notice of the preliminary
 34 protective hearing prescribed in subsection B, paragraph 7 of this section
 35 to the parent or guardian. In all other cases, the person who files the
 36 dependency petition is responsible for delivering of this notice to the
 37 parent or guardian. If the location of the parent or guardian is unknown,
 38 the person who is responsible for serving this notice shall make
 39 reasonable efforts to locate and notify the parent or guardian.
 40 Sec. 4. Section 8-824, Arizona Revised Statutes, is amended to
 41 read:

42 8-824. Preliminary protective hearing: probable cause.

43 Appointment of counsel

44 A. The court shall hold a preliminary protective hearing to review
 45 the taking into temporary custody of a child pursuant to section 8-821 not

1. The child's parents or guardian in response to the notice
 2. Counsel for the child's guardian and item or attorney.
 3. The child's guardian if one has been requested or retained.
 4. The child safety worker and additional representatives of the department if requested by the department.
 5. Counsel for the child safety worker.
 6. The following persons shall be present at the preliminary protective hearing:
 7. The child's parents or guardian, unless they cannot be located
 8. The child's parents or guardian, unless they fail to appear in response to the notice.
 9. Counsel for the parents if one has been requested or retained.
 10. They fail to appear in response to the notice.
 11. The child's safety worker and attorney.
 12. The child safety worker and additional representatives of the department.
 13. If the court finds that it is in the best interests of the child, the court may allow the following to be present at the preliminary protective hearing:
 14. Counsel for the child safety worker.
 15. If the court may allow the following to be present at the preliminary protective hearing:
 16. The child, the court may allow the following to be present at the preliminary protective hearing:
 17. The child.
 18. Any relative or other interested person with whom the child is or might be placed as described in section 8-845, subsection A.
 19. Any relative or other interested person as requested by the parent or guardian.
 20. An advocate or other interested person as requested by the parent or guardian is in section 8-845, subsection A.
 21. Witnesses called by the parties.
 22. An advocate or interested person as requested by the parent or guardian is in section 8-845, subsection A.
 23. Counsel for the child.
 24. Other persons who have knowledge of or an interest in the welfare of the child.
 25. Other persons who have knowledge of or an interest in the welfare of the child.
 26. At the hearing, the court shall advise the parent or guardian of the following rights:
 27. The right to counsel, including appointed counsel if the parent testifies against the parent or guardian.
 28. The right to cross-examine all witnesses who are called to testify against the parent or guardian.
 29. The right to trial by court on the allegations in the petition.
 30. The right to use the process of the court to compel the parent to appear in court to testify against the parent or guardian.
 31. The right to examine all witnesses who are called to testify against the parent or guardian.
 32. The right to trial by court on the allegations in the petition.
 33. The right to use the process of the court to compel the parent to appear in court to testify against the parent or guardian.
 34. At the hearing, the court:
 35. E. At the hearing, the court:
 36. 1. Shall receive a report of any agreement reached pursuant to section 8-823, subsection D. The report may be orally.
 37. 2. Shall provide an opportunity for the child's parent or guardian, if present, and any other person who has relevant knowledge, to provide relevant testimony.
 38. 3. May limit testimony and evidence that is beyond the scope of the placement, visitation and services to be provided to the child and family.
 39. If present, and any other person who has relevant knowledge, to provide relevant testimony.
 40. 42. Removal of the child, the child's need for continued protection, relevant testimony.
 41. 40. Relevant testimony and evidence that is beyond the scope of the placement, visitation and services to be provided to the child and family.
 42. 43. Removal of the child, the child's need for continued protection, relevant testimony.

1. The reasons the child was removed from the parent's or guardian's custody.

2. Any services that have been provided to the child or the child's parent or guardian to prevent removal.

3. The need, if any, for continued temporary custody.

4. The types of service needed to facilitate the return of the child to the custody of the child's parents or guardian.

5. If the child is not placed with a grandparent, whether the child has any relatives or other interested parties as described in section 8-845, subsection A who may be able and willing to take temporary custody.

6. Any services that are requested by the parent or guardian but that are not provided and the reasons the services were not provided.

7. What efforts the department has made to place siblings together, and if they are not placed together, the specific reasons why this did not occur.

8. If the placement of siblings together was not possible for all or any of the siblings, efforts the department has made to facilitate communications among siblings and a proposal for frequent visitation or contact pursuant to subsection 6 of this section. If frequent visitation or contact pursuant to subsection 6 of this section, if frequent visitation or contact with siblings is not recommended, the department shall state the reasons why this would be contrary to the child's or a sibling's safety or well-being.

9. A proposal for visitation with the child's parents or guardian and the results of any visitation that has occurred since the child was removed. The requirements of this paragraph do not apply to a specific parent or guardian if there is a court order relating to a specific case removed. The requirements of this paragraph do not apply to a specific parent if the department allows visitation if it must first determine that the parent is not a court order relating to a specific case removed.

10. A proposed case plan for services to the family.

11. The department's efforts to identify and assess adult relatives of the child and the child's relatives.

12. The proposed case plan for services to the family.

13. The proposed case plan for services to the family.

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45. The proposed case plan for services to the family.

:Ad-dendum - 64

:Ad-dendum - 64

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 1-272, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

AN ACT

HOUSE BILL 2394

2023

Fifty-Sixth Legislature

First Regular Session

House of Representatives

State of Arizona

firearms; sovereign authority

House Engrossed

1 H.B. 2394
2 Be it enacted by the Legislature of the State of Arizona:
3 Section 1. Section 1-272, Arizona Revised Statutes, is amended to
4 read:
5 1-272. Sovereign authority; right of the people to keep and
6 bear arms
7 Pursuant to the sovereign authority of this state and article II,
8 section 3, Constitution of Arizona, this state and all political
9 subdivisions of this state are prohibited from using any personnel or
10 financial resources to enforce, administer or cooperate with any act, law,
11 treaty, rule or regulation of the United States government that is
12 inconsistent with any law of this state regarding the regulation of
13 firearms, including any tax, levy, fee or stamp imposed on firearms,
14 firearms or accessories or munition not common to all other goods and
15 services and that might reasonably be expected to create a chilling effect
on the purchase or ownership of those items by law-abiding citizens.

:Ad-dendum - 65

:Ad-dendum - 65

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 8-821 AND 13-3620, ARIZONA REVISED STATUTES; RELATING TO CHILD ABUSE.

AN ACT

HOUSE BILL 2516

CHAPTER 155

child abuse; investigations; forensic interview

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-821, Arizona Revised Statutes, is amended to read:

8. A child shall be taken into temporary custody only pursuant to one of the following:

9. 1. An order of the superior court.

10. 2. Subsection D of this section.

11. 3. The consent of the child's parent or guardian.

12. B. The superior court, on a dependency petition filed by an interested person, a peace officer, a child welfare investigator or a child safety worker under oath or on a sworn statement or testimony by a peace officer, a child welfare investigator or a child welfare investigator in order authorizing the department to take temporary custody of a child on finding that probable cause exists to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

13. C. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if independent probable cause exists to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect and it is contrary to the child's welfare to remain in the home.

14. D. A child may be taken into temporary custody without a court order by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child because if temporary custody is clearly necessary to protect the child safety worker if a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child's health and safety.

15. E. In determining if a child should be taken into temporary custody, the court, peace officer, child welfare investigator or child safety worker shall take into consideration as a paramount concern the child's health and safety.

16. F. A person who takes a child into custody because an exigent circumstance describes in subsection K, paragraph 2 of this section exists shall not exceed twelve hours.

17. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45.

Violation; classification; definition

8-821. Taking into temporary custody; medical examination; forensic interview; placement; medical examination; interreference:

6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45.

Temporary custody; classification; definition

8-817 AND MAY HAVE THE CHILD EXAMINED BY A PERSON WHO IS TRAINED IN FORENSIC INTERVIEWING PURSUANT TO A PROTOCOL ESTABLISHED PURSUANT TO SECTION 8-817 AND MAY HAVE THE CHILD EXAMINED BY A PHYSICIAN WHO IS GUARDED OR GUARDED OR BOTH, THE PERSON SHALL RELEASE THE CHILD TO THE CUSTODY OF OR EXAMINATION, OR BOTH, THE PERSON SHALL RELEASE THE CHILD TO THE CUSTODY OF OR PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32 AND WHO HAS SPECIFIC TRAINING IN EVALUATIONS OF CHILD ABUSE. AFTER THE CHILD CARE WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32 AND WHO HAS SPECIFIC TRAINING IN EVALUATIONS OF CHILD ABUSE. THE PARENT OR GUARDIAN OF THE CHILD UNLESS THE INTERVIEW OR EXAMINATION REVEALS ABUSE. TEMPORARY CUSTODY OF A CHILD TAKEN INTO CUSTODY BECAUSE AN EXIGENT CIRCUMSTANCE DESCRIBED IN SUBSECTION K, PARAGRAPH 2 OF THIS SECTION EXISTS SHALL NOT EXCEED TWELVE HOURS.

G. A child who is taken into temporary custody pursuant to this article shall not be held in a police station, jail or lockup where adults or juveniles who are charged with or convicted of a crime are detained. H. A child shall not remain in temporary custody unless a dependency petition is filed.

I. To execute an order authorizing temporary custody, a peace officer may use reasonable force to enter any building in which the person named in the removal authorization is or is reasonably believed to be.

J. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

K. For the purposes of this section, "extigent circumstances" means there is probable cause to believe that the child is a victim of sexual abuse or abuse involving serious physical injury that can be diagnosed only by a physician who is licensed pursuant to title 32, chapter 13 or 17 or a health care provider who is licensed pursuant to title 32 and who has specific training in evaluations of child abuse.

1. There is no less intrusive alternative to taking temporary custody of the child that would reasonably and sufficiently protect the child's health or safety.

2. Probable cause exists to believe that the child is a victim of sexual abuse or abuse involving serious physical injury that can be diagnosed only by a physician who is licensed pursuant to title 32, chapter 13 or 17 or a health care provider who is licensed pursuant to title 32 and who has specific training in evaluations of child abuse.

26. read:

13-3620. Duty to report abuse. Physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors: medical records.

27. except: Violation: Classification: Definitions

28. 31. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than an accidental means or that is not explained by the avaiable medical history as being accidental in nature or who reasonably believes there has been a negligent act that is not explained by the avaiable medical history as being negligent in nature or who reasonably believes there has been a denial or deprivation of necessary medical belifeves there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who has been received a confidential communication or a confession in that person's control of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's control of the minor, the report shall be made to a peace officer only. A

1. A member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest believes that it is necessary within the confession that the practitioner or the priest make of the minor. For the purpose of this subsection, "person" means:

11. Any physician, psychologist, psychiatrist, podiatrist, dental hygienist, social worker, nurse, chiropractor, podiatrist, behavioral health professional, psychologist, social worker who develops the reasonable belief in the course of their employment, the parent, stepparent or guardian of the minor.

12. Any peace officer, child welfare investigator, child safety worker, member of the clergy, child welfare investigator, child safety worker, member of the clergy, child welfare investigator, child safety worker to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

13. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.

14. The reasonable belief in the course of treating a patient.

15. Any peace officer, social worker or social worker who develops the reasonable belief in the course of treating a patient.

16. The reasonable belief in the course of treating a patient.

17. Any member of the clergy, child welfare investigator, child safety worker, member of the clergy, child welfare investigator, child safety worker to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

18. The parent, stepparent or guardian of the minor.

19. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.

20. Any other person who has responsibility for the care or supervision to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

21. Any other person who has responsibility for the care or supervision to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

22. Any other person who has responsibility for the care or supervision to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

23. Any person who is employed as the immediate or next higher level supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

24. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

25. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

26. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

27. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

28. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

29. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

30. Any supervisor to or administrator of a person who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor.

31. A report is not required under this section either:

32. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

33. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves a student from a person other than a parent, stepparent, relatives or guardian of the minor during a school day, occurs on the premises of the typical playground activity during a school day, occurs in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

34. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen, or seventeen or other than consensual.

35. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

36. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

37. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

38. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

39. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

40. If a minor is of age and there is nothing to indicate that the conduct occurs accidentally in the course of typical playground activity during a school day, the physical injury is other than consensual.

41. If a physician, psychologist, psychiatrist, podiatrist, dental hygienist, social worker, nurse, chiropractor, podiatrist, behavioral health professional, psychologist, social worker who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor, the reasonable belief in the course of the communication or confession that the practitioner or the priest may otherwise make of the minor.

42. If a physician, psychologist, psychiatrist, podiatrist, dental hygienist, social worker, nurse, chiropractor, podiatrist, behavioral health professional, psychologist, social worker who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor, the reasonable belief in the course of the communication or confession that the practitioner or the priest may otherwise make of the minor.

43. If a physician, psychologist, psychiatrist, podiatrist, dental hygienist, social worker, nurse, chiropractor, podiatrist, behavioral health professional, psychologist, social worker who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor, the reasonable belief in the course of the communication or confession that the practitioner or the priest may otherwise make of the minor.

44. If a physician, psychologist, psychiatrist, podiatrist, dental hygienist, social worker, nurse, chiropractor, podiatrist, behavioral health professional, psychologist, social worker who is listed in paragraph 1, supervisor to or administrator of a person who is employed as the immediate or next higher level treatment of the minor, the reasonable belief in the course of the communication or confession that the practitioner or the priest may otherwise make of the minor.

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| 1 | I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. FORENSIC INTERVIEWS OR MEDICAL EXAMINATIONS, OR BOTH, OF THE INVOLVED MINOR MAY BE PERFORMED. |
| 2 | J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, no privilege applies to any: |
| 3 | I. CIVIL OR CRIMINAL LitIGATION PROCEEDING IN WHICH A MINOR'S NEGLIGENCE, DEPENDENCY, ABUSE, CHILD ABUSE, PHYSICAL INJURY OR ABANDONMENT IS AN ISSUE. |
| 4 | II. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's negligence, dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 5 | K. EXCEPT FOR THE ATTORNEY CLIENT PRIVILEGE OR THE PRIVILEGE UNDER SUBSECTION L OF THIS SECTION, NO PRIVILEGE APPLIES TO ANY: |
| 6 | J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, no privilege applies to any: |
| 7 | I. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 8 | II. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 9 | III. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 10 | IV. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 11 | V. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 12 | VI. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 13 | VII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 14 | VIII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 15 | IX. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 16 | X. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 17 | XI. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 18 | XII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 19 | XIII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 20 | XIV. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 21 | XV. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 22 | XVI. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 23 | XVII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 24 | XVIII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
| 25 | XIX. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |
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| 44 | XVIII. CIVIL OR CRIMINAL Litigation or administrative proceeding in which a minor's dependency, abuse, child abuse, physical injury or abandonment is an issue. |

1. "Abuse" has the same meaning prescribed in section 8-201.

2. "Child abuse" means child abuse pursuant to section 13-3623.

3. "Neglect" has the same meaning prescribed in section 8-201.

4. "Reportable offense" means any of the following:

11 (a) Any offense listed in chapters 14 and 35.1 of this title or section ~~13-3506.01~~ 13-3506.

12 (b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.

13 (c) Child sex trafficking pursuant to section 13-3212.

14 (d) Incest pursuant to section 13-3608.

15 (e) Unlawful mutilation pursuant to section 13-1214.

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APPROVED BY THE GOVERNOR MAY 19, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2023.

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